



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,749	02/25/2005	Kenji Kouchi	T3736-9374US01	2075
62574	7590	12/26/2008	EXAMINER	
Jason H. Vick Sheridan Ross, PC Suite # 1200 1560 Broadway Denver, CO 80202			SKOWRONEK, KARLHEINZ R	
			ART UNIT	PAPER NUMBER
			1631	
			NOTIFICATION DATE	DELIVERY MODE
			12/26/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jvick@sheridanross.com

Office Action Summary	Application No. 10/525,749	Applicant(s) KOUCHI ET AL.	
	Examiner KARLHEINZ R. SKOWRONEK	Art Unit 1631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-21 is/are rejected.
- 7) ☒ Claim(s) 1-3, 9, 10, and 16-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 September 2008 has been entered.

Claim Status

Claims 1-3 and 5-21 are pending.

Claim 4 is cancelled.

Claims 1-3 and 5-21 have been examined.

Claims 1-3 and 5-21 are rejected.

Claims 1-3, 9, 10, and 16-21 are objected to.

Interview summary

Applicant's summary of the interview is accurate.

Priority

This application is the National Stage application under 35 USC 371 of PCT/JP03/10735, which was filed on 26 August 2003 and claims priority to Japanese application 2002-246633, which was filed on 27 August 2002 in Japanese.

Claim Objections

Claims 1-3, 9, 10, and 16-21 are objected to because of the following informalities:

- Claim 1 is objected to because the article "a" appears to be missing before the term "time-series" at line 6;
- Claim 1 grammatically incorrect with respect to the phrase "relating to" in line 10 should be "related to";
- Claim 2 is objected to because the article "a" appears to be missing before the term "time-series" at line 8;
- Claim 3 is objected to because at the article "a" appears to be missing before the term "time-series" line 5;
- Claim 3 grammatically incorrect with respect to the phrase "relating to" in line 9 should be "related to";
- Claim 9 grammatically incorrect with respect to the phrase "relating to" in line 2 should be "related to";
- Claim 10 is objected to because the article "a" appears to be missing before the term "time-series" at line 2;
- Claim 16 is objected to because the article "a" appears to be missing before the term "time-series" at line 2;
- Claim 10 is objected to because the appropriate article appears to be missing before the term "time-series" at line 3;
- Claim 17 is objected to because at the article "a" line 2 appears to be missing before the term "time-series";
- Claim 17 is objected to because the phrase "is to execute" at line 4 is grammatically incorrect and should be amended to "executes";
- Claim 18 is objected to because the phrase "is to execute" at line 3 is grammatically incorrect and should be amended to "executes";

Claim 18 is objected to because the article "a" appears to be missing before the term "time-series" at line 7;

Claim 19 is objected to because the phrase "is to execute" at line 3 is grammatically incorrect and should be amended to "executes";

Claim 19 is objected to because the article "a" appears to be missing before the term "time-series" at line 6;

Claim 20 appears to missing the appropriate articles before the terms of "time series" in line 2 and "data" in line 3;

Claim 20 is objected to because the phrase "is to execute" at line 5 is grammatically incorrect and should be amended to "executes"; and

Claim 21 is objected to because the article "a" appears to be missing before the term "time-series" at line 6.

Appropriate correction is required.

Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 10 fails to further limit claim 1. Both claim 1 and 10 recite the limitation of displaying time-series trend with information related to the source of biological information.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 1631

Claims 1-3 and 5-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3 and 16-21 are unclear with respect to the term "text" in the phrase "wherein the text as the source of the biological information". The metes and bounds of claims 1-3 and 16-21 are rendered indefinite by the phrase because it is unclear what biological information the text generating. Claims 5-15 are also rejected because they depend from claim 1, and thus contain the above issues due to said dependence. This rejection may be overcome if the claim were amended to language such as "text indicating the source of biological information" as is supported on p. 35, line 2-8.

Claim 17 is unclear with respect to the phrase "as indicator". The metes and bounds of the claim are rendered indefinite because it is unclear what the data is an indicator of. The specification at p. 8, line 30 bridging to p. 9, line 9 recites the claim language. However the specification at p. 8, line 30 does not resolve what the data is an indicator of.

Claims 18 and 19 are indefinite because the metes and bounds of the claim are not defined. It is unclear from the language of the claim what is being claimed. The claim recites:

"A biological information trend display device for displaying a time-series trend of biological information, a central processing unit (CPU) of the biological information trend display device is to execute the procedures of..."

It is unclear from the language if the display device is being claimed or the CPU performing the method is being claimed. The lack of clarity of what is being claimed makes the interrelationship between the elements of the claim indefinite.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The following rejection is reiterated from the previous office action.

Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 16 is drawn to a biological information trend displayed object on a display device. The object of claim 16 does not fall into the statutory classes of invention because a displayed object is non-functional descriptive material.

Response to Arguments

Applicant's arguments filed 18 September 2008 have been fully considered but they are not persuasive. Applicant argues that the displayed object is functional, in that the displayed object displays the various types of information on the data display device. The argument is not persuasive. The displayed object does not alter the functionality of the display device. Furthermore, the claimed displayed object is merely data or information. As indicated in the previous office action, the MPEP guides:

“When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. **Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory.** See *Diamond v. Diehr*, 450 U.S. 175, 185-86, 209 USPQ 1, 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”). Such a result would exalt form over substance.” MPEP 2106.01. (Emphasis added)

Art Unit: 1631

To be clear, the MPEP at 2106 indicates “‘Nonfunctional descriptive material’ includes but is not limited to music, literary works, and a compilation or mere arrangement of data.” In the instant case, the claimed displayed object is compilation and mere arrangement of data on a display device. The rejection is maintained.

Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 21 is directed to a method of displaying a time series of biological information comprising obtain biological information; determining if the biological information is abnormal or not; displaying the biological information that is determined to be abnormal.

The following analysis is taken from the guidance provided in the MPEP at 2104.IV, “Determine Whether the Claimed Invention Complies with 35 USC101”. The claim is directed to a process. Here the claim is directed to the abstract idea of analyzing biological time series data to identify abnormalities. The processes do not recite a physical transformation of matter from one state to another. In *Comiskey (In re Comiskey*, 84 USPQ2d 1670) the court established that “the application of human intelligence to the solution of practical problems is not and of itself patentable” (at 1680). In *Comiskey*, the court stated explicitly “mental processes - or processes of human thinking - standing alone are not patentable even if they have a practical application” (at 1679). The court in *Comiskey* stated, “Following the lead of the Supreme Court, this court and our predecessor court have refused to find processes patentable when they merely claimed a mental process standing alone and untied to another category of

Art Unit: 1631

statutory subject matter even when a practical application was claimed” (at 1680). The court’s recent decision in *In re Bilski* confirmed, “a process is patent-eligible under 35 USC 101 if it is tied to a particular machine or apparatus or if it transforms a particular article into a different state or thing” (*In re Bilski*, 88 USPQ at 1391, 2008). In the instant claim, the process is not tied to a class of statutory invention. The process recites of displaying biological information that is determined to be abnormal. This step is considered to be the practical application of the process.

Claim Rejections - 35 USC § 102

Response to Arguments

Applicant’s arguments, see remarks p. 10-12, filed 18 September 2008, with respect to claims 1, 3, 6 10 and 17-21 as anticipated by Ascher et al. under 35 USC 102(b) have been fully considered and are persuasive. The rejection of claims 1, 3, 6 10 and 17-21 has been withdrawn in view of the amendments to the claims.

Applicant’s arguments, see remarks p. 10-12, filed 18 September 2008, with respect to claims 1, 3, 5, 7, 8, 10-13, and 17-20 are as anticipated by Dia medical system Kabushiki Kaisha “JP787”. under 35 USC 102(b) have been fully considered and are persuasive. The rejection of claims 1, 3, 5, 7, 8, 10-13, and 17-20 has been withdrawn in view of the amendments to the claims.

Claim Rejections - 35 USC § 103

Response to Arguments

Applicant’s arguments, see remarks p. 11-12 , filed 18 September 2008, with respect to the rejection of claims 1-3, 5, 7, 8, 10-15, and 17-21 as unpatentable over

Art Unit: 1631

Nelwan in view of JP787 under 35 USC 103(a) have been fully considered and are persuasive. The rejection of claims 1-3, 5, 7, 8, 10-15, and 17-21 has been withdrawn in view of the amendments to the claims.

Applicant's arguments, see remarks p. 11-12 , filed 18 September 2008, with respect to the rejection of claims 1, 8, and 9 as unpatentable over Newlan in view of JP787 under 35 USC 103(a) have been fully considered and are persuasive. The rejection of claims 1, 8, and 9 has been withdrawn in view of the amendments to the claims.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 1631

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3, 5, 6, 10-14 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schradi et al. (US Pat No. 5,860,918), and in view of Sakaguchi et al. (US PAT No. 5,807,246).

The claims are drawn to a device having means for obtaining information, making a determination of abnormal information, and displaying information. In some embodiments, the display is modified with a visual alarm and thereby altering the display style. In some embodiments, the biological information is displayed in association with the source of biological information. In some embodiments, the device makes a determination of if the information exceeds or falls below a threshold.

Schradi et al. shows a biological information trend display device. Schradi et al. shows that the device has a means for obtaining biological data (col. 2, line 37-58). Schradi et al. shows the device has means for determining if the obtained biological information is abnormal (col. 2, line 59-65). Schradi et al. shows a processor (col. 5, line 49). Schradi et al shows the device has means for displaying a time-series trend for each of a plurality of bio logical information (col. 3, line 26-32). Schradi et al. shows that a graph displaying area and a data type displaying area are provided and a plurality of

Art Unit: 1631

biological information are displayed in the same graph area (fig. 2). Schradi et al. also shows that displayed with the time series is information related to the source of biological information (fig 2). Schradi et al. shows information determine as abnormal is displayed in association with information related to the source of information (col. 10, line 26-27). Schradi et al. shows text related to the source of the biological information is displayed in the data display area and in the same style (col. 9, line 47-52). Schradi et al. shows the different sources have different behaviors (fig. 2). Schradi et al. suggests in figure 3 that the displaying means displays source for abnormal biological information but does not display the source of information that is not abnormal (col. 9, line 15-32). Schradi et al. shows that the determination comprises a determining if the information exceeds or falls below a defined level (col. 6, line 1-6). Schradi et al, shows in figures 2 and 3, the values of events that have crossed a threshold value. What is displayed in the figure suggests a higher threshold in an upper area and lower threshold in a lower region.

Schradi et al. does not explicitly show that the trend display style is changed for biological information that is determined as abnormal.

Sakaguchi et al. shows a display device. Sakaguchi et al. shows the display device has a CPU (processor) that executes the algorithm of figure 4. Sakaguchi et al. shows that the display style changes for biological information determined as abnormal, the change in style is color and abnormal and normal have different styles. (col. 3, line 15-17). In addition, Sakaguchi et al. shows that all normal data has the same style, i.e. not flashing (col. 3, line 15-17). Sakaguchi et al. suggests data can be displayed on a

Art Unit: 1631

multicolor LCD display can be made more complex by increasing the color intensity, or changing the flashing cycles, so that when the degree of deviation from normal range is large, this can be distinguished by changing the flashing cycles so that flashing occurs in shorter cycles, reading on different display styles distinguishing normal from abnormal (col. 3, line 42-46). Sakaguchi et al. et al shows the advantage of changing display styles is that it reduces ambiguity and makes it easier to read (col. 3, line 29 and col. 4, line 14-15).

It would have been obvious to modify the display device of Schradi et al. with the display formatting of Sakaguchi et al. because Sakaguchi et al. shows the advantage of changing display styles is that it reduces ambiguity and makes it easier to read.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schradi et al., and in view of Sakaguchi et al. as applied to claims 1, 3, 5, 6, 10-14 and 16-21 above, and further in view of Dia medical system Kabushiki Kaisha "JP787".

Claim 7 is directed to an embodiment in which subsequent biological information that is determined not abnormal is displayed in the original style and the previous abnormal biological information is maintained. Claim 8 is directed to an embodiment in which the display allows the discrimination of the cases: a case in which the current biological information is abnormal; a case in which past and current biological information are abnormal; and case in which past biological information is abnormal while current information is normal.

Art Unit: 1631

Schradi et al., and in view of Sakaguchi et al. as applied to claims 1, 3, 5, 6, 10-14 and 16-21 above shows a display device where abnormal biological information is displayed in a display style different from normal biological information.

Schradi et al., and in view of Sakaguchi et al. as applied to claims 1, 3, 5, 6, 10-14 and 16-21 above do not explicitly show embodiments where subsequent biological information that is determined not abnormal is displayed in the original style and the previous abnormal biological information is maintained.

JP787 shows a trend display device for biological information. JP787 shows the device has information obtaining means, an abnormal information determination means, and a display means (p. 1). JP787 shows that the display mean displays information determined to be abnormal and identifies its source (p. 6, para. 2). JP787 shows the determination of an abnormal event causes the display to present the information (p. 6, para. 2). JP787 shows the trend style change corresponds to a change in color of the trend information (p. 5-6). JP787 shows that each source of information is coded by color (p. 5). JP787 shows the color coded source undergoes a color change when the source exceeds or drops below a threshold (p. 5 and exemplified on p. 6). JP787 shows that subsequent and current biological information are displayed reading on subsequent biological information that is determined not abnormal is displayed in the original style and the previous abnormal biological information is maintained, in which the styles of normal information and abnormal information are different (p. 5-6 and figure 2). JP787 shows that the display means allows discriminating between cases where current information is abnormal; past and current information are abnormal and past information

Art Unit: 1631

is abnormal but current information is not abnormal (p.7-8). JP787 shows that changing the display style to indicate the source of the abnormal information has the advantages of focusing attention on the abnormal data and leads to the administration of immediate, proper treatment (p. 3 and p. 8).

It would have been obvious to one of ordinary skill to modify the display device of Schradi et al., and in view of Sakaguchi et al. as applied to claims 1, 3, 5, 6, 10-14 and 16-21 above with the previous abnormal biological information and subsequent normal biological information and discrimination of cases of JP787 because JP787 shows that indicating the source of the abnormal information by changing display styles has the advantages of focusing attention on the abnormal data and leads to the administration of immediate, proper treatment.

Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schradi et al., and in view of Sakaguchi et al. as applied to claims 1, 3, 5, 6, 10-14 and 16-21 above, and further in view of Nelwan et al.

Claim 2 is directed to a computer readable medium comprising a stored program for a display device. Claim 15 is directed to biological information that is related to ST level.

Schradi et al., and in view of Sakaguchi et al. as applied to claims 1, 3, 5, 6, 10-14 and 16-21 above shows a display device where abnormal biological information is displayed in a display style different from normal biological information.

Art Unit: 1631

Schradi et al., and in view of Sakaguchi et al. as applied to claims 1, 3, 5, 6, 10-14 and 16-21 above do not explicitly show a computer readable medium.

Nelwan et al. shows a trend display system and device for obtaining biological information determining and displaying information related to ST level. The device comprises a storage review unit having a display means, a means for determining abnormal data, and means for obtaining biological information (p. 1355, col. 2, para. 2). Nelwan et al. shows an abnormal information determining means to provide clinical alarms upon abnormal information as a result from, for example, measurement lead failure (p. 1355, col. 2, para. 3). Nelwan et al. shows a computer readable medium (p. 1355, col. 1, para. 3). Nelwan et al. shows that the multiple information sources can be displayed (p. 1356, col. 1, para. 6). Nelwan et al. shows that by marking time points that a change in the display style is affected (p. 1356, col. 1, para. 5). Nelwan et al. shows that multiple information is in the same style (p. 1356, col. 1, para. 6). Nelwan et al. shows that information shows different behaviors (p. 1356, col. 1, para. 6). Nelwan et al. shows display means presents information related to ST level trends and source related lead information (p. 1355, col. 2, para. 3 and p. 1356, col. 2, para. 2-3).

It would have been obvious to modify the display device where abnormal biological information is displayed in a display style different from normal biological information of Schradi et al., and in view of Sakaguchi et al. as applied to claims 1, 3, 5, 6, 10-14 and 16-21 with the computer readable medium and ST level monitoring of Nelwan et al. because the substitution of one known element for another would have yielded predictable results.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schradi et al., and in view of Sakaguchi et al. as applied to claims 1, 3, 5, 6, 10-14 and 16-21 above, and further in view of Dia medical system Kabushiki Kaisha "JP787" as applied to claims 7 and 8 above, and further in view of Manuel et al (US Pat No. 8,806,891).

Claim 9 is directed to an embodiment in which the display area for displaying information related to the source of biological information has an inner indication area and an outer indication area and wherein the outer area indicates abnormal biological information the past and the inner area indicate current abnormal biological information.

Schradi et al., and in view of Sakaguchi et al. as applied to claims 1, 3, 5, 6, 10-14 and 16-21 above, and further in view of Dia medical system Kabushiki Kaisha "JP787" as applied to claims 7 and 8 above shows a display device where abnormal biological information is displayed in a display style different from normal biological information discriminates cases.

Schradi et al., and in view of Sakaguchi et al. as applied to claims 1, 3, 5, 6, 10-14 and 16-21 above, and further in view of Dia medical system Kabushiki Kaisha "JP787" as applied to claims 7 and 8 above does not show a display area having an inner and outer areas.

Manuel et al. is directed to a graphical display for conveying status information. Manuel et al shows a display area of an indicator having an inner and outer area that allows the discrimination of cases (col. 3, line 43-44). Manuel et al. shows that the inner area changes color when a request has been processed (col. 3, line 47-48)

Art Unit: 1631

Manuel et al shows that outer area changes color when a request is made (col. 3, line 44-47). The indicator of Manuel et al. shows a change in status in a temporal frame of reference. For example, the information of the outer area in the indicator of Manuel et al. shows the change in status when a request is made, similarly the instantly claimed outer area indicates a changed status in a past event, i.e. abnormal event in the past. Thus the indicator of Manuel et al. is viewed to read on the limitations of claim 9 requiring an indicator having inner and outer areas. Manuel et al shows the advantage of the graphical indicator is it allows one to have instant knowledge of the status of a process (col. 9, line 17-20).

It would have been obvious to one of ordinary skill in the art to modify the display device where abnormal biological information is displayed in a display style different from normal biological information discriminates cases of Schrader et al., and in view of Sakaguchi et al. as applied to claims 1, 3, 5, 6, 10-14 and 16-21 above, and further in view of Dia medical system Kabushiki Kaisha "JP787" as applied to claims 7 and 8 above with the indicator display area of Manuel et al because Manuel et al shows the advantage of the graphical indicator is it allows one to have instant knowledge of the status of a process.

Conclusion

None of the claims is currently in condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KARLHEINZ R. SKOWRONEK whose telephone

Art Unit: 1631

number is (571) 272-9047. The examiner can normally be reached on 8:00am-5:00pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marjorie Moran can be reached on (571) 272-0720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KARLHEINZ R SKOWRONEK/
Examiner, Art Unit 1631

23 December 2008